

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 556

S. P. 231

In Senate, February 2, 1967

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Harding of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Appeals from Land Damage Board.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 23, § 157, amended. The first 2 paragraphs of section 157 of Title 23 of the Revised Statutes are amended to read as follows:

The commission or any party or parties aggrieved by an award of the Land Damage Board may appeal therefrom to the Superior Court in the county where the land is situated within 30 days after the date of the receipt by the appellant of the notice of award. ~~Such~~ **The appeal, except by the commission,** shall be taken by filing a complaint setting forth substantially the facts upon which the case shall be tried like other cases. **The appeal by the commission shall be taken by filing a complaint and shall be only on questions of law.** The appellant shall serve notice of such appeal on the opposing party and on the Land Damage Board by sending by registered or certified mail within the time above limited a true copy of said complaint and returning therewith to the Land Damage Board whatever check or checks that may have been forwarded to him with the notice of award.

The court shall determine the same by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest where such is due, and for costs in favor of the party entitled thereto; **except that if the commission appeals, the court shall determine the same by the court without a jury and if the commission does not prevail, interest where such is due and costs shall be paid by the commission and the owner or owners shall be reimbursed by the commission for a reasonable attorney's fee.**